

REMARKS

Claims 2, 10-11, 13, and 15-22 have been canceled, and Claims 23-102 have been added. No claim has been amended. Therefore, with entry of the present amendment, Claims 1, 3-9, 12, 14, and 23-102 are pending. Support for the new claims can be found in the original claims.

The present amendment is accompanied by a check in the amount of \$612.00 to cover the fee for additional claims for which a fee has not previously been paid. No additional fees are believed due. However, the Commissioner is hereby authorized to charge any deficit or credit any overpayment to Deposit Account No. 11-0855.

PROVISIONAL REJECTION OF CLAIMS 1-22 UNDER THE JUDICIALLY CREATED DOCTRINE OF OBVIOUSNESS TYPE DOUBLE PATENTING

Claims 1-22 have been rejected under the judicially created doctrine of obviousness-type double patenting over Claims 1-24, 26-58, 63-69, and 76-87 of Application No. 09/788,872. The Office Action states that "although the conflicting claims are not identical, they are not patentably distinct from each other because the instant claims and the application claim[s] are directed to the same disease condition[s]."

Applicant respectfully traverses this rejection for the following reasons. Please note that Claims 1-87 were previously canceled in Application No. 09/788,872. Applicant has responded as if the rejection were over pending Claims 88-132 of Application No. 09/788,872. The overlapping subject matter between the claims of the present application and Application No. 09/788,872 has been delineated by amendment to both applications. The claims of the present application are drawn to methods of treating eye conditions, methods of treating ulcerative diseases, and methods of treating skin conditions. Claims 80-102 are also drawn to the treatment of a number of other diseases. In contrast, the claims of Application No. 09/788,872 have been amended to recite methods of treating a non-tumor blood conditions, methods of treating immune diseases, and methods of treating infections.

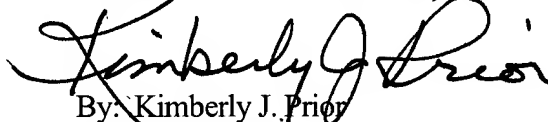
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The Office Required restriction between the diseases now claimed in the two applications in parent application 08/950,673. Therefore, Applicants assert that the claims of the two application are not obvious in view of one another and respectfully requests reconsideration of this ground of rejection.

The foregoing is a complete response to the Office Action issued May 11, 2001. The claims are believed to be allowable. Early and favorable consideration is earnestly solicited. If the Examiner believes there are other issues that can be resolved by telephone interview, or that there are any informalities remaining in the application which may be corrected by Examiner's Amendment, a telephone call to the undersigned attorney at (404) 949-2400 is respectfully solicited.

Respectfully submitted,

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